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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA-134109

Notification

The 7th November, 2022

No. SEC/4E-II/2022/5391.— Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/3526, dated 14.10.2022 had announced schedule for conduct of general elections of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in nine districts, namely, Ambala, Charkhi Dadri, Gurugram, Karnal, Kurukshetra, Rewari, Rohtak, Sirsa and Sonipat. This also included Gram Panchayat Rukhi Khaas, Block Gohana, district Sonipat. According to the notification dated 14.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned Deputy Commissioners-cum-District Election Officer (Panchayat) on 15.10.2022. Nominations were presented between 21.10.2022 to 28.10.2022, scrutiny of nominations received was done by the Returning Officers concerned on 29.10.2022 and withdrawal of candidature was on 31.10.2022. Election symbols were allotted to the contesting candidates on the same day after preparation of final list of candidates who remained in fray. Polling for members, Zila Parishad and Panchayat Samitis in nine districts is scheduled to be held on 09.11.2022 and polling for election for the posts of Sarpanches and Panches will be held on 12.11.2022.

2. Whereas, the Deputy Commissioner, Sonipat vide his memo No. 7591/Panchayat election, dated 07.11.2022 has submitted that Sh. Ram Karan S/o Sadha Ram, resident of village Rukhi Khaas, Block Gohana submitted a representation to District Election Officer, Sonipat on 01.11.2022 in which he has stated that his nomination for the post of Panch from ward No. 5, Gram Panchayat Rukhi Khaas had been rejected on 29.10.2022, against which he had filed a CWP No. 25414/2022 'Ram Karan versus State Election Commission and others in the Hon'ble Punjab and Haryana High Court at Chandigarh. The Hon'ble Punjab and Haryana High Court, Chandigarh vide its order dated 07.11.2022 has directed to accept his nomination.

3. The Deputy Commissioner has further informed that Sh. Partap Singh s/o Chhotu Ram has been declared as elected unopposed for the post of Panch from ward No. 5 of Gram Panchayat Rukhi Khaas, due to rejection of nomination of Sh. Ram Karan S/o Sadha Ram of the same ward. The Deputy Commissioner-cum-District Election Officer(Panchayat) has sought advice of the State Election Commission in the matter.

4. The Hon'ble Punjab and Haryana High Court in CWP No.25414 of 2022 'Ram Karan Vs. State Election Commissioner Haryana & others' on dated 07.11.2022 has passed the following orders :-

“Present: Petitioner in person.

The grievance of the petitioner before this Court is that his nomination has wrongly been rejected on the ground that the same was filed after the expiry of the last date. He has submitted all the documents well in time, as per receipt dated 28.10.2022 (P-2), No dues Certificate dated 26.10.2022 (P-3), House Tax Receipt dated 27.10.2022, Payment Receipt dated 26.10.2022 (P-5),

Issue notice of motion for 14.12.2022,

In the meanwhile, the nomination form of the petitioner for village Rukhi Khaas, Tehsil and District Sonipat be accepted.

A copy of this order be given dasti under the signature of Court Secretary attached to this Court.”

5. Whereas clause (vi) of subrule (2) of rule 24 of the Haryana Panchayati Raj Election Rules, 1994 provides as under:

“24. Fixation of various stages of elections (2) The District Election Officer (Panchayat) shall by notice in Form 2 or 3, which shall be published at least five clear days before the first day fixed for making nominations, shall specify the date or dates, on, by or within which,

(vi) the poll shall be held;

Provided that the date of poll shall not be earlier than the seventh day after the last date fixed for the withdrawal of the candidatures”

6. Whereas election symbols have already been allotted to the contesting candidates on the date of withdrawal of the candidatures and after finalization of list of those candidates who have remained in fray on 31.10.2022 where polling is to be held on 12.11.2022 in furtherance of notification dated 14.10.2022 issued by the State Election Commission, Haryana as referred to above. However, in the present case there was no occasion/necessity to allot election symbols to the contesting candidates since the only candidate from Ward No.5 of Gram Panchayat Rukhi Khaas whose nomination had been found valid and accepted had been declared elected unopposed by the Returning Officer concerned because there was no other nomination for the post of Panch from ward No.5, Gram Panchayat Rukhi Khaas till 28.10.2022.

7. The petitioner, Sh.Ram Karan's nomination was rejected by the Returning Officer concerned on 31.10.2022 because scrutiny had already been taken place on 29.10.2022 and the last date of receipt of nominations was 28.10.2022, whereas his nomination form was received on 31.10.2022. The Returning Officer rejected his nomination because Sh.Ajay (JBT) Assistant Returning Officer submitted his nomination form on 31.10.2022 before him whereas last date of receipt of nomination was 28.10.2022 and date for scrutiny of nomination forms was 29.10.2022. However, the petitioner pleads that since he had submitted his nomination form well in time on 28.10.2022 alongwith security deposit of Rs.250/- i.e. on last date of filing nomination, therefore, his nomination should have been accepted by the Returning Officer. His contention is that why should he suffer because of the delay caused by Assistant Returning Officer in submitting his nomination to the Returning Officer?

8. Now, if in compliance of the order dated 07.11.2022 in CWP No. 25414 of 2022, 'Ram Karan versus State Election Commission, Haryana and others' passed by the Hon'ble High Court, his nomination is accepted at this stage then the whole process for election for the post of Panch from Ward No.5 in Gram Panchayat Rukhi Khaas, Block Gohana, district Sonipat will have to be revised. Result of election for this post of Panch from Ward No.5 of Gram Panchayat Rukhi Khas, Block Gohana, district Sonipat declaring Sh.Partap Singh s/o Chhotu Ram as elected unopposed will have to be cancelled and he will also have to be given time for canvassing etc. This will also give time to the petitioner, Sh.Ram Karan s/o Sadha Ram to get election symbol allotted and do canvassing for his election. The Deputy Commissioner-cum-District Election Officer (Panchayat) Sonipat will have to issue revised notice for the election process for this Ward accordingly. Election for the post of Panch is being held through ballot papers which have to be got printed from a security press. Ballot papers for all the post of Panches in these nine districts have been got printed from M/s Capital Business System Limited, New Delhi after completion of scrutiny, withdrawal, finalization of list and allotment of election symbols. Ballot papers for the post of Panch of Ward No.5 of Gram Panchayat Rukhi Khaas were not got printed in view of the above explained facts and circumstances of the case.

9. In view of the above facts and circumstances of the case I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers enabling me under clause 1 of article 243K of the Constitution of India, sub-section (1) of section 161 and sub-section (2) of section 211 of the Haryana Panchayati Raj Act, 1994, rule 24 of the Haryana Panchayati Raj Election Rules, 1994 and all other powers enabling me in this behalf and in compliance with the directions of the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 25414 of 2022 orders dated 07.11.2022 hereby order :

- (i) to issue notice to Sh. Partap Singh s/o Chhotu Ram who has been declared elected as unopposed for the post of Panch of Ward No. 5, Gram Panchayat Rukhi Khaas, Block Gohana, district Sonipat as why his election result may not be cancelled and re-election held in terms of the directions dated 07.11.2022 of the Hon'ble High Court in CWP No. 25414 of 2022?
- (ii) to accept nomination papers of Sh. Ram Karan S/o Sh.Sadha Ram for the post of Panch of Ward No. 5 of Gram Panchayat Rukhi Khaas, Block Gohana, district Sonipat, if these were otherwise in order on 28.10.2022.
- (iii) Keep poll for the post of Panch of Ward No.5, Gram Panchayat Rukhi Khaas, Block Gohana, district Sonipat which is scheduled to be held on 12.11.2022 in abeyance for the time being. Revised schedule will be issued in due course.

DHANPAT SINGH,
State Election Commissioner, Haryana.